

### Amendments to the Claims

A complete list of pending claims follows, with indicated amendments:

1. (Currently Amended) A method for updating the existing firmware in a ~~device~~ hard drive with replacement firmware, comprising the steps of:

downloading the replacement firmware to the ~~device~~ hard drive;

storing the replacement firmware in a storage location in disk storage on the device hard drive;

determining if the replacement firmware was successfully downloaded to and stored at the ~~device~~ hard drive;

setting an indicator in the ~~device~~ hard drive if the download and storage of the replacement firmware was successful; and

replacing the existing firmware with the replacement firmware during the first boot of the ~~device~~ hard drive following the successful download and storage of the replacement firmware to the ~~device~~ hard drive, wherein the existing firmware is stored in a storage location that is separate from the disk storage of the hard drive.

2. (Currently Amended) The method for updating the existing firmware in a ~~device~~ hard drive with replacement firmware of claim 1, further comprising of transmitting a message to indicate that the download and storage of the replacement firmware was successful.

3. (Currently Amended) The method for updating the existing firmware in a ~~device~~ hard drive with replacement firmware of claim 2, wherein the step of replacing the existing firmware with the replacement firmware further comprises the steps of:

initiating a boot of the ~~device~~ hard drive;

determining whether the indicator identifies that the replacement firmware was successfully downloaded and stored to the ~~device~~ hard drive;

if the indicator identifies that that the replacement firmware was successfully downloaded and stored to the ~~device~~ hard drive, replacing the existing firmware of the ~~device~~ hard drive with the replacement firmware;

clearing the indicator; and  
executing the replacement firmware as part of the boot of the ~~device~~ hard drive.

4. (Cancelled).

5. (Cancelled).

6. (Currently Amended) The method for updating the existing firmware in a ~~device~~ hard drive with replacement firmware of claim 5 1, wherein the existing firmware is stored in flash memory on the hard disk drive.

7. (Currently Amended) The method for updating the existing firmware in a ~~device~~ hard drive with replacement firmware of claim 6, wherein the step of replacing the existing firmware with the replacement firmware comprise the step of writing the replacement firmware to the flash memory location of the existing firmware.

8. (Currently Amended) A network operable to update the firmware of a ~~device~~ hard drive of the network, comprising:

a host computer;

a ~~device~~ hard drive coupled through one or more network elements to the host computer, the ~~device~~ hard drive being operable to:

download replacement firmware from the host computer;

save the replacement firmware to a storage location in disk storage on the device hard drive;

determine if the replacement firmware was successfully downloaded and saved to the location in the ~~device~~ hard drive;

set an indicator if the replacement firmware was successfully downloaded to the ~~device~~ hard drive; and

if the replacement firmware was successfully downloaded to the ~~device~~ hard drive, replace the existing firmware of the ~~device~~ hard drive with the replacement firmware

during a boot of the ~~device~~ hard drive, wherein the existing firmware is stored in a storage location that is separate from the disk storage of the hard drive.

9. (Currently Amended) The system of claim 8, wherein the ~~device~~ hard drive is further operable to clear the indicator following the replacement of the existing software with the replacement software.

10. (Cancelled).

11. (Cancelled).

12. (Currently Amended) The system of claim ~~11~~ 9, wherein the storage location of the existing firmware is flash memory of the hard disk drive.

13. (Currently Amended) The system of claim 12, wherein the ~~device~~ hard drive is further operable to replace the existing firmware of the ~~device~~ hard drive by reading the replacement firmware from its location in disk storage and ~~write~~ writing the replacement firmware in the location of the existing firmware in flash memory.

14. (Currently Amended) A method for providing a firmware update in a remote ~~device~~ hard drive, the method comprising the steps of:

transferring the firmware update to the ~~device~~ hard drive;

storing the firmware update in a storage location in disk storage on the ~~device~~ hard drive;

setting an indicator in the ~~device~~ hard drive if the steps of transferring and storing the firmware update were completed successfully;

setting an indicator if the download and storage of the firmware update was successful to indicate that a firmware update is available; and

updating the existing firmware with the firmware update during the next boot of the ~~device~~ hard drive, wherein the existing firmware is stored in a storage location that is separate from the disk storage of the hard drive.

15. (Currently Amended) The method for providing a firmware update in a remote ~~device~~ hard drive of claim 14, wherein the step of transferring the firmware update to the ~~device~~ hard drive comprises the step of downloading the firmware update from a remote source.

16. (Currently Amended) The method for updating firmware in a remote ~~device~~ hard drive of claim 15, further comprising the step of transmitting a message indicating that the download and storage of the firmware update was completed successfully.

17. (Currently Amended) The method for updating firmware in a remote ~~device~~ hard drive of claim 16, wherein the step of updating the firmware during the next boot of the ~~device~~ hard drive comprises the steps of:

monitoring whether the indicator has been set to indicate that replacement firmware is available;

writing the firmware update to the storage location associated with the existing firmware of the ~~device~~ hard drive; and

completing the boot of the ~~device~~ hard drive with the software of the firmware update.

18. (Currently Amended) The method for updating firmware in a remote ~~device~~ hard drive of claim 17, wherein the step of writing the firmware update to the storage location associated with the existing firmware of the ~~device~~ hard drive comprises the step of writing the firmware update over the existing firmware in the flash memory of the ~~device~~ hard drive.

19. (Cancelled).

20. (Currently Amended) The method for updating firmware in a remote ~~device~~ hard drive of claim 18, further comprising the step of clearing the indicator in the ~~device~~ hard drive following the step of writing the firmware update over the existing firmware in the flash memory of the ~~device~~ hard drive.